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**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Andre Jestin et al.

Title: CIRCOVIRUS SEQUENCES ASSOCIATED WITH PIGLET  
WEIGHT LOSS DISEASE (PWD)

Appl. No.: 10/718,264

Filing Date: November 21, 2003

Examiner: To Be Assigned

Art Unit: 1648

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR § 1.56**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the Examiner's attention the documents on the attached forms PTO/SB/08. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

This application is a continuation of U.S. Application No. 09/514,245 filed February 28, 2000, now U.S. Pat. No. 6,703,023, which application is a continuation in part of PCT Application No. PCT/FR98/02634, filed December 4, 1998.

**A. Documents**

Copies of the listed documents B1 to B88 are attached. The documents B1 was submitted in the parent case, U.S. Application No. 09/514,245, now U.S. Pat. No. 6,703,023, and copies of those documents are not submitted here.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

## **B. Non-English Language Documents**

**French Patent Application Publication No. 2 422 956** (11/09/1979) (B7): Attached with this filing is a Derwent Abstract of this document (B86). An English language counterpart to this application is U.S. Patent No. 5,605,800.

**French Patent Application Publication No. 2 518 755** (06/24/1983) (B8): Attached with this filing is a Derwent Abstract of this document (B87). An English language counterpart to this application is U.S. Patent No. 5,988,825.

**German Patent Application Publication No. 10044648** (3/23/2002) (B13): Attached with this filing is a Derwent Abstract of this document (B88). An English language counterpart to this application is U.S. Patent No. 6,573,081.

## **C. Conclusion**

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents are not "prior art" under United States law, then Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

The Examiner is invited to contact the undersigned if any questions may be resolved by a telephone conference.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.


Respectfully submitted,

Date May 14, 2004

FOLEY & LARDNER LLP  
Customer Number: 22428

Telephone: (202) 672-5569  
Facsimile: (202) 672-5399

By

  
Amy M. Rodell, Reg # 47,033  
for Stephen B. Maebius  
Attorney for Applicants  
Registration No. 35,264

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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> May 14, 2004 (use as many sheets as necessary)		<b>Complete if Known</b> Application Number: 10/718,264 Filing Date: 11/21/2003 First Named Inventor: André JESTIN Group Art Unit: 1648 Examiner Name: To Be Assigned Attorney Docket Number: 042049-0105	
Sheet	1	of	6

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	B1.	6,497,883		Michel et al.	12-24-2002	
	B2.	6,517,843		Albert et al.	02-11-2003	
	B3.	6,143,334		Gordon et al.	11-07-2000	
	B4.	2002/0177216		Phillip et al.	11-28-2002	
	B5.	2002/0106639		Wang et al.	08-08-2002	
	B6.	2002/0055189		Bernhardt et al.	05-09-2002	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	B7.		FR 2 422 956		Institut Pasteur	11-09-1979		
	B8.		FR 2 518 755		Institut Pasteur	06-24-1983		
	B9.		WO 90/11092		Vical, Inc.	10-04-1990		
	B10.		WO 94/27238		MDS Health Group Ltd.	11-24-1994		
	B11.		WO 95/11307		Institut Pasteur	04-27-1995		
	B12.		WO 00/77188		Meril	12-21-2000		
	B13.		DE 10044648		Aventis Behring GmbH	03-21-2002		
	B14.		WO 01/96377		Purdue Research Foundation	12-20-2001		
	B15.		WO 02/102999		Univ. Melbourne	12-27-2002		

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	B16.	Allan, G.M. et al., 1995, Vet. Microbiol., 44: 49-64.	
	B17.	Barany, F., 1991, PNAS. USA, 88: 189-193.	
	B18.	Liu et al., 1997, J. Gen. Virol., 78 (Pt 6), 1265-1270.	

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		Application Number Filing Date First Named Inventor Group Art Unit Examiner Name Attorney Docket Number	10/718,264 11/21/2003 André JESTIN 1648 To Be Assigned 042049-0105
Sheet	2	of	6

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	B19.	Buckholz, R.G., 1993, Yeast systems for the expression of heterologous gene products. Curr. Op. Biotechnology 4: 538-542.	
	B20.	Burg, J.L. et al., 1996, Mol. and Cell. Probes, 10: 257-271.	
	B21.	Chu, B.C.F. et al., 1986, NAR, 14: 5591-5603.	
	B22.	Chu, P.W.G. et al., 1993, Virus Research, 27: 161-171.	
	B23.	Clark, E.G., 1997, American Association of Swine Practitioners, 499-501.	
	B24.	Daft, B. et al., 1996, American Association of Veterinary Laboratory Diagnosticians, 32.	
	B25.	Derse, D. et al., 1995, J. Virol., 69(3): 1907-1912.	
	B26.	Duck, P. et al., 1990, Biotechniques, 9: 142-147.	
	B27.	Dulac, G.C. et al., 1989, Can. J. Vet. Res., 53: 431-433.	
	B28.	Edwards, C.P., and Aruffo, A., 1993, Current applications of COS cell based transient expression systems. Curr. Op. Biotechnology 4: 558-563.	
	B29.	Edwards, S. et al., 1994, Vet. Rec., 134: 680-681.	
	B30.	Erllich, H.A., 1989, In PCR Technology. Principles and Applications for DNA Amplification. New York: Stockton Press.	
	B31.	Felgner, et al., 1987, Proc. Natl. Acad. Sci., 84: 7413-7417.	
	B32.	Fontes, E.P.B. et al., 1994, J. Biol. Chem., Vol. 269, No. 11: 8459-8465.	

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	B33.	Fraley et al., 1980, J. Biol. Chem., 255: 10431-10435.	
	B34.	Guateli, J.C. et al., 1990, Proc. Nat'l Acad. Sci., USA, 87: 1874-1878.	
	B35.	Hackland, A.F. et al., 1994, Arch. Virol., 139: 1-22.	
	B36.	Hanson, S.F. et al., 1995, Virology, 211: 1-9.	
	B37.	Harding, J.C., 1997, American Association of Swine Practitioners, 503.	
	B38.	Harding, R.M. et al., 1993, Journal of General Virology, 74: 323-328.	
	B39.	Harding, J.C. and Clark, E.G., 1997, Swine Health and Production, Vol. 5, No. 5: 201-203.	
	B40.	Heyraud-Nitschke, F. et al., 1995, Nucleic Acids Research, Vol. 23, No. 6: 910-916.	
	B41.	Horner, G.W., 1991, Surveillance 18(5): 23.	
	B42.	Müller, 1974, in Methode der Organischen Chemie, E. Wunsch Ed., Volume 15-I and 15-II, Thieme, Stuttgart.	
	B43.	Huygen, K. et al., 1996, Nature Medicine, 2(8): 893-898.	
	B44.	Innis, M.A. et al., 1990, in PCR Protocols. A guide to Methods and Applications, San Diego, Academic Press.	
	B45.	Kaneda, et al., 1989, Science, 243: 375-378.	
	B46.	Kievitis, T. et al., 1991, J. Virol. Methods, 35: 273-286.	

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	B47.	Kohler, G. & Milstein, 1975, Nature, 256(5517): 495-497.	
	B48.	Kwoh, D.Y. et al., 1989, Proc. Nat'l Acad. Sci., USA, 86: 1173-1177.	
	B49.	Ladany, S. et al., 1989, J. Clin. Microbiol. 27: 2778-2783.	
	B50.	Lazarowitz, S.G. et al., 1989, The EMBO Journal, Vol. 8 No. 4: 1023-1032.	
	B51.	Luckow, V.A., 1993, Baculovirus systems for the expression of human gene products. Curr. Op. Biotechnol. 4: 564-572.	
	B52.	Matthews, J.A. et al., 1988, Anal. Biochem., 169: 1-25.	
	B53.	McNeilly, F. et al., 1996, Vet. Immunol. Immunopathol., 49: 295-306.	
	B54.	Marglin, A. and Merrifield, R.B., 1966, J. Am. Chem. Soc., 88(21): 5051-5052.	
	B55.	Midoux, 1993, Nucleic Acids Research, 21: 871-878.	
	B56.	Miele, E.A. et al., 1983, J. Mol. Biol., 171: 281-295.	
	B57.	Virus Taxonomy, Murphy, F.A. et al., Ed. 1995, Sixth Report of the International Committee on Taxonomy of Viruses, Springer-Verlag Wien New York.	
	B58.	Nayar, G.P. et al., 1997, Can. Vet. J. 38(6): 385-386.	
	B59.	Olins, P.O., and Lee, S.C., 1993, Curr. Op. Biotechnol. 4: 520-525.	
	B60.	Pagano et al., 1967, J. Virol., 1: 891-897.	
	B61.	Rolfs, A. et al., "Usage of Polymerase Chain Reaction in Genetic and Infectious Disease" in PCR Topics, 1991, Springer-Verlag, Berlin.	

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	B62.	Sambrook, J. et al., 1989, Molecular cloning: A Laboratory Manual. Cold Spring Harbor, NY: Cold Spring Harbor Laboratory Press.	
	B63.	Sanchez-Pescador, R., 1988, J. Clin. Microbiol., 26(10): 1934-1938.	
	B64.	Kessler, C., "Overview of Amplification on Systems" in Non-radioactive Labeling and Detection of Biomolecules, 1992, Springer Verlag, Berlin, New-York: 197-205.	
	B65.	Shiver, J.W., "Immune Responses to HIV gp120 Elicited by DNA Vaccination," in Vaccines, 1995, eds Chanock, et al., pp. 95-98, Cold Spring Harbor Laboratory Press, Cold Spring Harbor, New York.	
	B66.	Tascon, R.E. et al., 1996, Nature Medicine, 2(8): 888-892.	
	B67.	Tischer, I. et al., 1982, Nature, 295: 64-66.	
	B68.	Tischer, I. et al., 1986, Arch. Virol., 91: 271-276.	
	B69.	Tischer, I. and Bohk, H.J., 1988, Zentralbl Bakteriell Mikrobiol Hyg [A] 270: 280-287.	
	B70.	Urdea, M.S., 1988, Nucleic Acids Research, 11: 4937-4957.	
	B71.	Walker, G.T. et al., 1992, Nucleic Acids Res. 20: 1691-1696.	
	B72.	Walker, G.T. et al., 1992, Proc. Nat'l Acad. Sci., USA, 89: 392-396.	
	B73.	White, B.A. et al. Eds, "PCR Cloning Protocol" in Methods in Molecular Biology, 67, Humana Press, Towota, 1997.	
	B74.	Zhao, T.M. et al., 1996, Proc. Natl. Acad. Sci., USA 93(13): 6653-6648.	
	B75.	Pearson, William R. et al., 1988, "Improved Tools for Biological Sequence Comparison", Proc. Nat'l Acad, Sci., USA, 85: 2444-2448	

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	B76.	Kasahara, Noriyuki et al., 1994, "Tissue-Specific Targeting of Retroviral Vectors Through Ligan-Receptor Interactions", Science, 266: 1373-1376	
	B77.	Young, John A. T. et al., "Efficient Incorporation of Human CD4 Protein into Avian Leukosis Virus Particles", Reports, 1421-1423	
	B78.	Chu, Te-hua Terina et al., 1997, "Toward Highly Efficient Cell-Type-Specific Gene Transfer with Retroviral Vectors Displaying Single-Chain Antibodies", J. Virol., 71(1): 720-725	
	B79.	Smith, Temple F. et al., 1981, "Comparison of Biosequences", Advances in Applied Mathematics, 2: 482-489	
	B80.	Valsesia-Whittmann, Sandrine et al., 1996, "Improvement of Retroviral Retargeting by Using Amino Acid Spacers between an Additional Binding Domain and the N Terminus of Moloney Murine Leukemia Virus SU", J. Virol., 70(3): 2059-2064	
	B81.	Neddleman, Saul B. et al., 1970, "A General Method Applicable to the Search for Similarities in the Amino Acid Sequence of Two Proteins", J. Mol. Biol., 48(3): 443-453	
	B82.	Cosset, Francois-Loic et al., 1995, "Retroviral Retargeting by Envelopes Expressing an N-Terminal Binding Domain", J. Virol., 69:6314-6322	
	B83.	Blanchard et al., 2003, "An ORF2 Protein-Based ELISA for Porcine Circovirus Type 2 Antibodies in Post-Weaning Multisystemic Wasting Syndrome", Veterinary Microbiology, 94: 183-184	
	B84.	Rose, N. et al., 2002, "Risk Factors for Porcine Post-Weaning Multisystemic Wasting Syndrome (PMWS) in 149 French Farrow-to-Finish Herds", Preventive Veterinary Microbiology, 61: 209-225	
	B85.	Blanchard et al., 2003, "Protection of Swine Against Post-Weaning Multisystemic Wasting Syndrome (PMWS) by Porcine Circovirus Type 2 (PCV2) Proteins", Vaccine 21: 4565-4575	
	B86.	Derwent Abstract of French Patent Appl. No. 2422956	
	B87.	Derwent Abstract of French Patent Appl. No. 2518755	
	B88.	Derwent Abstract of German Patent Appl. No. 10044648	

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